



Department of Energy
Washington, DC 20585

November 12, 2008

MEMORANDUM FOR INGRID A. C. KOLB
DIRECTOR
OFFICE OF MANAGEMENT

THROUGH: KEVIN T. HAGERTY
DIRECTOR
OFFICE OF INFORMATION RESOURCES

FROM: GLENN S. PODONSKY
CHIEF HEALTH, SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: Notice of Intent to Develop a Notice for the Safe Handling
and Transfer of Nanoscale Materials

PURPOSE: This Notice will provide specific expectations for the
implementation of the Department of Energy (DOE)
Policy (P) 456.1, "Secretarial Policy Statement on Nanoscale
Safety," at DOE laboratories and facilities undertaking
nanoscale activities.

JUSTIFICATION: Public Law 108-153, "21st Century Nanotechnology Research
and Development Act," 15 United States Code 7501, assigns
DOE the mission of providing the physics, chemistry, and
computational tools needed to make nanotechnology possible.
In keeping with this mission, DOE supports research activities
spanning a broad range of nanoscale activities. These activities
are carried out at the Department's five Nanoscale Science
Research Centers, as well as at a number of other facilities
throughout the complex. The work includes research sponsored
directly by DOE, as well as work for others and research
conducted by visiting scientists.

Uncertainty with respect to the health and safety risks
associated with nanoscale activities has prompted a call for
increased research and funding into these risks and the
development of appropriate health and safety programs. To
address these concerns, the Office of Health, Safety and
Security (HSS) published DOE P 456.1 in September 2005.



DOE P 456.1 provides the Department's philosophy for the safe use of nanoscale materials at DOE and contains no requirements. The policy does, however, state that "DOE will adopt and implement, as appropriate...safety and health best practices." In February 2008, the DOE Office of Inspector General (IG) issued an audit report entitled "Nanoscale Materials Safety at the Department's Laboratories." This Audit Report recommended that HSS adopt and disseminate the Nanoscale Science Research Centers (NSRC) working group's guidance as the Department's expectation of safety policies and procedures. In August 2008, HSS issued a special review of work practices, "Nanoscale Material Activities at Department of Energy Laboratories." This special review recommends that HSS develop and issue a timely DOE Notice that institutionalizes current approaches. In support of the Department's commitment to health and safety and to address recommendations made by both the DOE/IG and the HSS Office of Independent Oversight, HSS is planning to develop a departmental Notice for the safe handling and transfer of nanoscale materials.

The Notice will leverage current consensus standards and existing DOE guidance. Through close coordination with the program offices, the Office of the General Counsel, and the National Laboratory Director's Council, HSS will develop the necessary health and safety expectations for departmental nanoscale activities. In addition, the Notice will include a strategy for assuming a conservative degree of risk for unknown nanoscale material hazards and will be modeled on Integrated Safety Management principles.

IMPACT:

This Notice will leverage existing best practices; i.e., "Department of Energy Nanoscale Science Research Centers Approach to Nanomaterials (ES&H)," currently being used by the Office of Science's NSRC. As most of the Department's laboratories engaged in nanoscale activities have indicated that they are implementing the best practices found in this document, there should be little noticeable adverse impact based on this Notice.

Failure to put into place a minimum set of nanoscale activity safety requirements could lead to a loss of confidence in the use of this new technology and DOE's ability to implement Public Law 108-153 in a safe and healthful manner.

CONTACT: Point of contact for this Notice is Bill R. McArthur, Director,
Office of Worker Safety and Health Policy, at 3-9674.

DECISION:

Concur: _____

Nonconcur: _____

Timeframe: __ 30 days __ X 60 days __ 90 days __ 120 days

Date: _____